

Senate File 235 - Introduced

SENATE FILE 235

BY BOLKCOM

A BILL FOR

1 An Act relating to domestic relations proceedings involving
2 parties with a history of domestic abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.5, subsection 1, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. State whether a history of domestic abuse
4 exists as specified in section 598.41, subsection 3, paragraph
5 "j".

6 Sec. 2. NEW SECTION. 598.8A Expedited process — domestic
7 abuse.

8 1. The supreme court shall establish, and prescribe
9 rules for, an expedited dissolution proceedings process if
10 a petitioner alleges in the petition filed pursuant to
11 section 598.5, that a history of domestic abuse exists as
12 specified in section 598.41, subsection 3, paragraph "j", and
13 establishes the allegations by competent evidence. Pursuant
14 to the expedited process, the court may waive the waiting
15 period pursuant to section 598.19, subsection 1, and grant a
16 dissolution decree within sixty days of the day the original
17 notice is served, within sixty days from the last day of
18 publication of notice, or within sixty days of the day the
19 original notice is served by alternative means, as provided in
20 section 598.19, subsection 2.

21 2. The process established and the rules prescribed
22 pursuant to subsection 1 shall address all of the following:

23 a. The process for an expedited hearing.

24 b. An option for publication of notice or other means
25 of service if, following good faith efforts on the part of
26 the petitioner, a respondent evades necessary service of the
27 original notice or other documents.

28 c. Unnecessary delay by the respondent including those
29 related to pretrial processes and proceedings, discovery, and
30 hearings.

31 d. Excessive or frivolous filings or motions by the
32 respondent, which may be addressed by requiring that for any
33 motion or filing by the respondent, a response is not required
34 from the petitioner until the judge reviews the motion for
35 merit and, based upon the judge's conclusions, determines

1 whether to request a response from the petitioner.

2 *e.* Attempts to relitigate issues or agreements previously
3 decided.

4 *f.* Abuse of the discovery process by the respondent
5 in a manner which intimidates, embarrasses, harasses, or
6 impoverishes the petitioner.

7 *g.* The making of false reports against the petitioner.

8 *h.* Attempts by the respondent to require additional court
9 appearances to force contact by the petitioner with the
10 respondent.

11 *i.* Other tactics used by the respondent that are without
12 factual support or legal merit but are instead used to control,
13 harass, intimidate, coerce, or impoverish the petitioner.

14 Sec. 3. Section 598.19, Code 2019, is amended to read as
15 follows:

16 **598.19 Waiting period before decree.**

17 1. No decree dissolving a marriage shall be granted in
18 any proceeding before ninety days shall have elapsed from
19 the day the original notice is served, or from the last
20 day of publication of notice, or from the date that waiver
21 or acceptance of original notice is filed or until after
22 conciliation is completed, whichever period shall be longer.
23 However, the court may in its discretion, on written motion
24 supported by affidavit setting forth grounds of emergency or
25 necessity and facts which satisfy the court that immediate
26 action is warranted or required to protect the substantive
27 rights or interests of any party or person who might be
28 affected by the decree, hold a hearing and grant a decree
29 dissolving the marriage prior to the expiration of the
30 applicable period, provided that requirements of notice have
31 been complied with. In such case the grounds of emergency or
32 necessity and the facts with respect thereto shall be recited
33 in the decree unless otherwise ordered by the court. The
34 court may enter an order finding the respondent in default and
35 waiving conciliation when the respondent has failed to file an

1 appearance within the time set forth in the original notice.

2 2. As provided in section 598.8A, the court shall waive
3 the waiting period otherwise required to elapse prior to the
4 granting of a decree dissolving a marriage under subsection
5 1 and may grant a dissolution decree within sixty days from
6 the day the original notice is served, within sixty days from
7 the last day of publication of notice, or within sixty days
8 from the day alternative notice is provided, if the petitioner
9 alleges in the petition that a history of domestic abuse exists
10 as specified in section 598.41, subsection 3, paragraph "j", and
11 establishes the allegations by competent evidence.

12 Sec. 4. TASK FORCE ON DOMESTIC RELATIONS PROCEEDINGS AND
13 DOMESTIC ABUSE. The supreme court shall establish a domestic
14 relations proceedings and domestic abuse task force to identify
15 best practices for court processes and proceedings in domestic
16 relations matters to address the needs of parties confronting
17 domestic abuse and to reduce abusive litigation. The task
18 force shall at a minimum do all of the following:

19 1. Recommend changes in processes and court rules to address
20 the abusive litigation tactics used to intimidate, embarrass,
21 harass, impoverish, or otherwise continue to abuse a party to
22 a domestic relations proceeding, including but not limited to
23 evasion of service of process; unnecessary delay; excessive or
24 frivolous filings or motions; abuse of the discovery process to
25 intimidate, embarrass, or harass the other party; the making of
26 false reports against the other party; and requiring additional
27 court appearances to force contact with the other party.

28 2. Consider recommending the adoption of a one family-one
29 judge assignment for the duration of domestic relations cases
30 that involve parties with a history of domestic abuse and the
31 establishment of domestic violence specialty courts to enhance
32 victim safety and improve offender accountability.

33 3. Consider recommending sanctions, beyond verbal
34 admonishment or contempt, such as payment of attorney fees
35 and court costs, to be imposed on parties who utilize abusive

1 litigation tactics.

2 4. Make recommendations for the education of judges, court
3 personnel, attorneys, and others involved in domestic relations
4 processes and proceedings in which the parties have a history
5 of domestic abuse to address the needs of the abused party and
6 to avoid, recognize, and respond to abusive litigation.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to domestic relations proceedings
11 involving parties with a history of domestic abuse.

12 The bill provides for an expedited process in dissolution
13 of marriage proceedings involving parties with a history of
14 domestic abuse. If a party states that a history of domestic
15 abuse exists in the petition for dissolution of marriage and
16 establishes the allegations by competent evidence, the court
17 shall provide for an expedited process and hearing, and shall
18 waive the standard 90-day waiting period for the granting of
19 a dissolution decree, and instead provide for the granting of
20 the decree within 60 days of the day the original notice is
21 served, from the last day of publication of notice, or from
22 the day service is provided by alternate means. The bill
23 directs the supreme court to establish, and prescribe rules
24 for, the expedited dissolution process, and specifies minimum
25 areas that the court shall address in the process and the rules
26 prescribed.

27 The bill also directs the supreme court to establish a
28 domestic relations proceedings and domestic abuse task force
29 to identify best practices for court processes and proceedings
30 in domestic relations matters to address the needs of parties
31 confronting domestic abuse and to reduce abusive litigation.
32 The bill provides that at a minimum, the task force shall
33 recommend changes in processes and court rules to address
34 abusive litigation tactics used to intimidate, embarrass,
35 harass, impoverish, or otherwise continue to abuse a party

1 to a domestic relations proceeding; consider recommending
2 the adoption of a one family—one judge assignment for the
3 duration of domestic relations cases involving parties with a
4 history of domestic abuse and the establishment of domestic
5 violence courts to enhance victim safety and improve offender
6 accountability; consider recommending sanctions to be imposed
7 on parties who utilize abusive litigation tactics; and make
8 recommendations for the education of judges, court personnel,
9 attorneys, and others involved in domestic relations processes
10 and proceedings involving parties with a history of domestic
11 abuse to address the needs of the abused party and to avoid,
12 recognize, and respond to abusive litigation.